

Explanation of Item 24 - Small Lot Amnesty Disaggregation

Background

In 1946, the City of Austin increased the minimum lot size to 5750 square feet and 50 feet wide. In neighborhoods that were platted after 1946, lots can not be smaller than 5750 square feet.

Certain older neighborhoods, such as North Loop, Ridgetop, and East Austin had lots and homesites before 1946 on tracts smaller than 5750 square feet. Some were legally platted at the time, others were portions of legally platted lots that were deeded away by metes and bounds. Today you must combine two such lots for a home site in order to meet the minimum lot size of 5750 square feet.

What is “substandard lot” 25-2-943?

“Substandard Lot” is a section of code that specifically allows any lot used before 1946 verifiable by utility records or deeds to remain a viable lot where you can get a building permit. They do not need to have been legally platted, they could simply have been half of a legally platted lot deeded away by metes and bounds. They can be as small as 4,000sf and 33ft wide and meet the standard allowed under substandard lot.

What is Small Lot Amnesty 25-2-1406 (d)?

Small Lot Amnesty is an infill tool available only in a neighborhood plan, where a neighborhood can choose to opt into a smaller allowable lot size. It allows for lots smaller than the 5750 minimum square feet, only if they were legally platted, to be developed or redeveloped individually in spite of being under the minimum lot size of 5750 square feet. They can be as small as 2,500sf and 25ft wide.

What is lot disaggregation?

Neighborhoods like North Loop, while legally platted and designed when developed in 1917, did not actually get homes built until after WWII at which point the minimum lot size had gone up to 5750 square feet surpassing the existing lot sizes. Most residential construction is thus single home straddling two “aggregated” or combined lots.

“Disaggregation” is the act of separating the combined lots in this scenario to build a home on each small lot individually.

What did Council do in 2016?

In 2016 The Austin City Council passed a code amendment [25-2-1406 5\(d\)](#) blocking the ability to disaggregate small lots (disaggregation was already not allowed for substandard lots [25-2-943\(D\)](#)). The change was initiated by staff and was divisive at the time. Some small lot

homes had been built from 2013-2015 stirring up opposition in North Loop. Today, North Loop supports small lot amnesty.

What does this resolution do?

This resolution reverses the change made by the City Council in 2016 regarding “small lot amnesty”, while also granting the same ability to disaggregate to substandard lots.

Why should we make this change?

Homes built on disaggregated small lots in North Loop are seven years old now. Neighbors appreciate the human scale size of the small lot homes, as opposed to the large and out of scale “McMansions” often built on the combined lots. Homes built on small lots cost less than the homes built on double lots because land cost is cut in half. Additionally, homes built on smaller lots are generally smaller than homes built on larger lots because you simply don’t have as much room to build.

Is there a map available?

You can see a map of small lots.

Would this allow people to subdivide lots to make them smaller than 5750 square feet?

No. This only applies to existing lots prior to 1946.

Sources:

2016 and map of small lots: <https://services.austintexas.gov/edims/document.cfm?id=248193>

In addition, please see the following maps and analysis prepared for my office by Cedar, a local start-up focused on mapping zoning regulations. Please note that this change would only apply to neighborhood planning areas that opted in to small lot amnesty that are marked in green on the maps below. This would exclude neighborhoods such as Bouldin, Hyde Park and others who did not opt in.

Larger map: <http://assets.austintexas.gov/austincouncilforum/71-20230307181713.pdf>

Zoomed in map: <http://assets.austintexas.gov/austincouncilforum/71-20230307181800.pdf>

Neighborhood and district by district analysis:

<http://assets.austintexas.gov/austincouncilforum/71-20230307181856.xlsx>